

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DR. JEFFERY M. GOLD, M.D.,

Plaintiff,

Case No. 22-cv-10699

Hon. Matthew F. Leitman

v.

MICHIGAN KIDNEY CONSULTANTS, P.C., *et al.*,

Defendants.

**ORDER TERMINATING DEFENDANTS' MOTION TO DISMISS
WITHOUT PREJUDICE AS MOOT (ECF No. 16)**

On April 1, 2022, Plaintiff Dr. Jeffery M. Gold, M.D. filed this action against Defendants Michigan Kidney Consultants, P.C. and others. (*See* Compl., ECF No. 1.) Dr. Gold alleges, among other things, that Defendants violated “anti-retaliation provisions of Michigan Medicaid False Claims Act, MCL § 400.610c; the False Claims Act, 31 USC § 3730; the Elliott-Larsen Civil Rights Act (“ELCRA”); and 42 USC § 1981.” (Compl. at ¶1, ECF No. 1, PageID.2.) Defendants thereafter moved to dismiss Dr. Gold’s claims. (*See* Mot., ECF No. 16.)

On June 7, 2022, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting Dr. Gold leave to file a First Amended Complaint in order to remedy the alleged deficiencies in his claims identified by Defendants in their motion to dismiss. (*See* Order, ECF No. 20.) The Court informed

the parties that if Dr. Gold provided notice that he intended to file a First Amended Complaint, the Court would terminate Defendants' motion to dismiss without prejudice. (*See id.*)

On June 16, 2022, Dr. Gold filed a notice with the Court that he intends to file a First Amended Complaint. (*See* Notice, ECF No. 21.) Accordingly, because Dr. Gold will be filing a First Amended Complaint, the Court **TERMINATES** Defendants' motion to dismiss (ECF No. 16) **WITHOUT PREJUDICE AS MOOT**. Defendants may re-file their motion to dismiss directed at the First Amended Complaint if they believe that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

Dated: June 17, 2022

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 17, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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